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WASHINGTON, DC 20510-6175

May 11, 2006

The Honorable John Paul Woodley
Assistant Secretary of the Army for Civil Works
108 Army Pentagon
3E446
Washington, D.C. 20310

Dear Assistant Secretary Woodley:

We are writing to you regarding the Army Corps' responsibilities for debris removal under Emergency Support Function 3 of the National Response Plan and your activities after Hurricanes Katrina and Rita. We are concerned about the pace and handling of debris cleanup in the affected areas.

There are almost 22 million tons of debris from Katrina and 500,000 tons from Rita. To facilitate redevelopment in the region, it is critical that debris be removed as quickly as possible. It is also critical that debris be collected, separated, and disposed of properly both to protect the health and safety of workers and residents returning to the area and to prevent any long-term environmental or health effects.

First, we ask you to provide a summary of the status of the debris clean-up mission. Specifically, please provide data on the status of the removal from public rights of way, including percent complete and remaining, level of effort history and projections (including manpower and funding requirements), funds expended, and a description of any major hurdles you have encountered. In addition, please provide data on the status of debris removal from the entire affected area, including the same information described above.

Second, please provide a summary of the factors that the Army Corps has identified as impediments to speeding the pace of debris removal. We understand that the pace of homeowner return is one factor you have identified as a hurdle. Please provide a summary of the actions the Corps is taking independently or in concert with other federal entities to speed the pace of debris removal on private property. Specifically, is the Army Corps taking any action independently or in concert with any other Federal agency to increase the availability of temporary housing or to facilitate the return of residents that were relocated at Federal expense?

Perhaps the most significant element in the pace of homeowner return to the city is the level of certainty people have about the viability of the flood control system. Please provide a detailed summary of the levee repairs and enhancements that the Corps plans to

conduct by June 1, 2006, the additional work the Corps plans to conduct between 2006 and 2009, and the status of each project, including expenditures to date.

Second, please provide a summary of the methods being used by the Army Corps to ensure that debris is collected, separated, and disposed of properly. In addition to the summary, we ask that you respond to these specific questions:

1 Debris Sorting

- a. How is debris being sorted, and what quality control mechanisms does the Army Corps have in place to ensure that proper sorting is completed prior to disposal?
- b. Please include a description of any violations of procedure you detected and how they were resolved?
- c. How will you ensure the proper handling and disposal of RCRA Subtitle C hazardous waste that is mixed with solid waste or household hazardous waste?

2 Debris Disposal

a. Open Burning

- i. What protocols has the Corps established to dictate the disposal method for different types of debris?
- ii. Specifically, what types of debris are to be disposed of in landfills or through open burning?
- iii. Has the Corps or its contractors conducted any open burning or any air curtain incineration?
- iv. If so, how many open burns have occurred and where were they located?
- v. What have any air sampling test results shown regarding contaminants of concern?
- vi. Please identify all pollutants identified, the emission rates and whether each rate exceeds relevant limits or thresholds.
- vii. How is the Corps working to determine when open burning should be used and when it is inappropriate?
- viii. What criteria are being used to make those determinations, who has made them, and are meteorological conditions being considered?
- ix. Please describe how any open burning conducted to date by the Corps complies with section 129 of the Clean Air Act, exempting incinerators from strict federal regulation only if the debris is analyzed and known to be only clean wood and vegetative materials?
- x. What information has been and will be provided to technicians and residents regarding planned open burns and precautions they should take during that time?
- xi. Who is responsible for this notification process?

- b. Asbestos Protocols
 - i. Please describe the asbestos protocols in use by the Corps for both handling and removal of asbestos-containing material. Please include the source of the protocols, their date of issuance, a description of the role of the Corps in developing these protocols, and any hurdles in their use that have been identified and the plan to resolve those hurdles.
 - ii. How are asbestos protocols being communicated to technicians and residents?
 - iii. Has the asbestos protocol been updated since its adoption?
 - c. Landfill Capacity
 - i. Which landfills are being used by the Corps for debris disposal?
 - ii. What protections are in place at the landfills to ensure that debris has been properly separated prior to disposal?
 - iii. Is there adequate capacity at area landfills to accommodate debris?
 - iv. Have any modifications been made to the types of waste that may be disposed of at any area landfills, and if so, what are they?
 - d. Recycling
 - i. How do the debris removal contracts promote recycling?
 - ii. What provisions have been made for or directions provided to contractors for the use of hurricane debris as construction fill, road bed material and other re-uses that could speed the cleanup of communities?
 - iii. What analysis has been done as to the impact recycling could have on landfill space?
3. Coordination
- a. Local governments
 - i. How is the Army Corps coordinating with local governments?
 - ii. Have any violations of dumping and sorting debris been identified? If so, please describe them, the corrective actions that were taken, and the status of any ongoing investigations by the Army Corps or other agencies.
 - iii. Please describe any differences in the handling of waste by the Army Corps and the City of New Orleans at landfill locations shared by both entities.
 - b. U.S. Environmental Protection Agency/Louisiana Department of Environmental Quality
 - i. Please describe how the Corps is coordinating with EPA and LDEQ to ensure that environmental requirements of the debris mission are fulfilled.

Thank you for your rapid response and evaluation of these issues. The health and safety of the thousands of emergency workers, residents, and visitors to the New Orleans area depends on the Army Corps' efforts to quickly remove and dispose of debris in an appropriate manner.

Sincerely,

A handwritten signature in blue ink that reads "Jim Jeffords". The signature is written in a cursive style with a horizontal line underneath.A handwritten signature in blue ink that reads "Tom Ruge". The signature is written in a cursive style with a horizontal line underneath.